H239 THUMAS W. OFFUTT, ET AL 73 BOARD OF ZOUTED APPRAIS JAMES G. SAFFELL VINDINIA J. SAFFELL (Intervenors) JAMES G. SAFFELL and VIRGINIA SAFFELL, his wife IN LAW VS. BOARD OF ZONING APPIALS . . . 0

There are two appeals in the above-entitled matter from a decision of the Board of Soming Appeals, reclassifying, upon the applications of James 3. Saffell and Firginia J. Saffell, his wife, the owners, two tracts of land located on the west side of Reisterstown Road at Painter's Mill Road in the village of Owings Mills, Maryland, from "A" Regidential to "F" Light Industrial, subject however to a setback along the Relateratown Road of 250 feet. An appeal was then by the protestants from the action of the Board of Zoning Appeals reclassifying the property. There was an appeal by the applicants from the increase in the satuack from 150 feet to 250 feet by the Board of Zoning Appeals.

The Court first will consider the appeal of the protestants from the decision of the Board reclassifying the property in question.

The general principles governing the Court in Zoning cases have been set forth in a number of recent opinions. The Court has kept them in mind in arriving at its conclusions.

In Krucks ws Meinberg, 75 Avl. 2nd 387 the Court said;

whenever is makering. Do that one set was considered and a property of the support of the set of th

court houses, libraries and even churches both as to architecture and landscaping. There is a marked contrast between the Cohennes gloom that me about many industrial areas, such as Marcus Book, and the obserful communities where light industry is located.

Good taste cannot be enforced from above even if it is possessed in a nigh degree by the official arbiters. The charm of a city or countryside is, in the final analysis, an expression of the feeling for beauty of the people themselves. The general level of culture sets the community or national patterns. Depressing ross of identical dwellings are perhaps less desirable from a community standpoint than a well-designed

Although billboards and other unsightly structures are still tolerated, there has been a marked improvement in public tasts in recent years. Throughout the country C today one sees many immoulate factories of architectural merit set among specious O landscaped grounds with lawns, shrubbery and trees and handsome residences nearby.

We have no right to anticipate that in the present instance there will be a Y throsback to a cruder architectural and economic era. It is not unreasonable to believe that the two companies will make every effort, as they have indicated, to construct buildings of attractive design which will be assets rather than liabilities to the community. Self interest would dictate such action. There should be neither dirt, hoise nor odors emanating from either of the contemplated industries.

The railroad at this location is not a thing of beauty and by skillful arrangement of buildings and landscaping the present uneightly appearance of the railroad tracks and of the whole neighborhood could be much improved

The natural trend of light industry today is to seek asylum in country communities and small towns and villages where local labor can be hired and adequate space acquired with some security against enemy attack. A desirable industry has a stabilising dallusace upon a community and frequently sparse the workers long and exhausting hours to commuting. It is true that many of the employees of both communics in this case do not live in this neighborhood but experience in Baltimore County has shown that eventually many of the workers in the local plants establish homes reas their work and new help is recruited from local residents.

The objections of the schools of the community to the establishment of inc reats of parents to withdraw their children from educational institutions if industries should be established on the Gland in question seem to the Court to be without

Fidelity Gruon Skin

In the case of Sainfield vs Kraft 96 Atl. 2nd 27, Judge Bassond, speaking for the Court, approved the language in the Ernels case and helds

The destrict the scalings to the action of the Courty Commissioners constraint; as a muticipal legislature, the crust mate use rigorous scaled-destrict, as it must always in some cases, to cornel solutionaries and the state of of posses, and only to detain water to constantial system of expression or description to the control of the co

cry not named at the contribute the judgment for that of the legislative body if the question desided was fairly doubtable. Zhin ve, Roed of Fabili States, 25 U. S. 25, 7, 15 U. S. 25, 11 U. S. 25 U. S

or an unequal application or the same, (INSERT 2A) crty several times. There studied the opinions of the then Zoning Commissioner, Mr. Muller, and of the Board of Zoning Appeals and the carefully prepared memoranda subeftied by comeel.

The Court is of the opinion that there is substantial and smple evidence to support the finding of the Board of Zoning Appeals and the action of the Board is not illegal, arbitrary or discriminatory. The Board had ample grounds for considering that the public good not only of the community but of the county called for the reclassification of the property in question.

A mistake apparently was nade at the time of the original soning of this area and the property in question should have been soned as light indulying) rether than residential. The original error is being corrected. -2-

It is easy to understand and sympathics with the feeling of those who have tensive proporties in this general section. It is hard for those who prefer the seclusion of large country places to have their rural retreats invaded and be forced to yield to the steady pressure of both population and industry.

There are a number of large estates in this general community. There are also rial enterprises, industrial establishments, small declines and the Western Maryland Railroid. Automobiles and buses have superseded steam in this locality for passenger trevel but the railroad, of course, hauls freight with the usual accompaniment of noise and stoke.

It is impossible, of course, for any individual or group of individuals clearly to foresee and plan with absolute definiteness years ahead in a rapidly growing community such as Baltimers County, General conditions also change from day to day,

Planners are not endowed with greater presciones than many practical business and make their mistakes also. The planning in many fields by Seaster plannaged Pof which we have board so much in recent years has its limitations. Even the best of Y the planners see but through a glass darkly.

Apparently, there are many differences of opinion as to how communities should be laid out and divided into residential, commercial and industrial areas. New developments such as the automobile and the aeroplane and now the atom bomb alter the entire scheme of living and working. All designs for the future necessarily are tentative and must be modified as conditions change.

The Reisterstown Road, like all the highways leading out of Baltimore, with the exception of Charles Street, is a hodgepodge of residential, commercial and light industrial. It cannot be affected too adversely by the establishment of new enterprises such as the opes involved in this appeal.

The Court must endeavor to view moning matters in the light of present and future needs as the Zoning Board uncertakes to do. The rules laid down by the Court of Appeals are intended to aid zoning authorities and courts to arrive at conclusions that are both practical and leval.

As pointed out in the opinion of the Zoning Commissioner there is a need for the dispersal of industry in the county. This need has recently been emphasized. The advisability of dispersal from a defense standpoint is a matter of which the Court can and should take judicial notice. The Goreter May Company plays a small but important part in the military plan. The concentration of industry in large industrial areas

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sti cably constitutes a national hazard. I shall not go beyond the record in arriving at a decision but the article on the dispersal of industry in the New York Times of Sunday, Cotober 25, an Associated Press dispatch, is timely. I shall quote from it briefly.

"Many industrialists who here scaffed at doversment plans to build may plants outside potential target sities for stemis bothe are beginning to accept the Office of Dutum Nobilization wise that when it comes to building mer face

Until two months ago, officials of the agency daid, the going waslow. Then came Frender Malankov's Emmanagement that the United States no longer had a monopoly on production of the hydrogen 'That aniomoment cured a lot of scoffere, ' an official asserted

Right after the Soviet Presier spoke, the official added, auxious business men delayed the mobilisation agency with calls. 'About a year ago, we had to persuade them, the continued, face they come around to us, '

The Defense mobilizer, Arthur S. Massing, said this week that a great deal remained to be done towned theoreting the shilling of indeatry to continue with production in the wrest of stance in assurted that II per cent of the country's indestrial capar was located in fifty big sustepolition sentors.

Industry has logitimate rights to exist and develop and the surgers in any neighborhood are entitled to have their need for playment considered. Beltimore County looks to industry for taxes and many of our citizens are dependent upon local industry for their living. Suitable locations for the establishment of light industry are limited. A short time ago, a branch of one large county enterprise was established in Carroll County because no acceptable sits could be found in Bultimore

luch of the activities against the establishment of light industry in Bultimore County is unfounded. There is a projudice against light industry not justified by present day experience. The glocay are of industrial alway surrounded by the shabby colories of the worker is giving way to a new and brighter day.

It is a fact of which the Court can take judicial notice that in the court mities where light industries recently have been established and modern plants erroted there seems to be no injury to the neighboring property or the surrounding countryside. We can point to several industries in Towson which are near high class residential areas.

Electric power has come "of age". Industrial buildings, with no unsightly stacks belching moke and soot, can be made as attractive and clean as dwellings,

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foundation. Coucher Callage, one of the outstanding institutions of higher learning for women in the United States, is located near two manufacturing plants, one of then quite large. No one has suggested that the health, eafety or morals of the young ladies who attend this institution have been adversely affected. Public CONTRACTOR OF LIGHT INDUSTRIAL. : schools are likewise located near light industrial plants. It is contended that a serious traffic condition will be created on the

Reistorstown Road. This is not torme out by the testimony. As has been pointed out, the other main highways from miltimore City are even more heavily travelled than Reisterstown Road and the additional teaffic resulting from the establishment of the two plants should prove no real burden.

The Court has made inquiry and has ascertained that the change of setback from 150 feet to 250 feet was not a typographical error as suggested. The condition seems a reasonable and proper one.

For the reasons assigned the action of the Board in both appeals will be

Movember h. 1953

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John B. Contrum, Judge

BEFORE FOR BALTIMORE COMMY

MINOPARDEM OF PETETTONIES

The Petitions of Dr. and Mrs. James G. Saffell for reclassification of the two tracts of land lying on each side of Painters Mill Road, and on the west side of Reinterstown Road, were approved by the Zoning Commissioner who wrote excellent opinions on both cases. The testimony before this Board has been voluminous and extended over a lengthy period due to postponements due to various unavoidable reasons. Therefore, the Fetitioners believe that it would be well to briefly touch on the highlights of the testimony presented on that a hohale

The Board will recall that there was testimony from a gentleman from the Baltimore Chamber of Commorce, Mr. Rock, who tostified that he had assisted in making a survey along the Western Maryland Railroad in Baltimore County, that the property in question had been selected as being ideal for light industrial use and that there were very few locations in Baltimore County that were suitable to industrial use. This testimony was confirmed by that of Mr. Malcolm Dill of the Haltimore County Planning Commission, who stated that the property had been considered as ideal for industrial use since the County's survey of the area. In addition, there was much testimony from real estate experts, the presidents of the two corporations who wish to locate at Owines Mills, traffic experts and residents of the community who testified that the location of the plants would increase the values of neighboring property, would provide employment in the area, would not be detrimental to the health, safety or morals of the community, would be the most suitable use of the properties and would be in keeping with the uses of nearby properties, some of which had come into being subsequent to

January 2, 1945.

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It is respectfully submitted that the testimony in this case clearly and unequivocally establishes the fact that there was error in the original goning and that there has been such a change in conditions as to ressonably justify the rezoning. Either of these facts would be sufficient to justify the rezoning of the property under the authority of the recent case of Edward G. Kintner, et al vs. Board of Zoning Appeals, Daily Record, June 26. 1952, and Kracke vs. Weinberg, 79 A 2nd, 387.

Recarding the question of original error, the facts in this case are scnewhat similar to those in the case of Northwest Merchants Terminal vs. O'Rourke, 191 Md. 171. In this case, there was considerable testimony that the property was especially suited for industrial purposes and unsuitable for residential purposes. Regarding this testinony, the Court said at Page 184:

"The presence of the railroad is the chief reason, but not the only reason for these characteristics. The land itself is "bad" for building houses. In constructing this line the railroad acquired the lowest grade property in order not to interfere with the development of higher property. Though Ponlar Grove street emeses the railmed by overhead windowt the land east of Poplar Grove street has a steep grade to the east. It is first level with the railroad and then runs as much as 50 feet lower than the railroad. A gully running south (perhaps through the unimproved land west of the cemetery) has been a smoblem for waara!

In citing from Heath v. Baltimore, 187 Md. 296, the Court stated

"The very essence of zoning is territorial division according to the character of the land and the buildings, their peculiar suitability for particular uses, and uniformity of use within the zone".

In the case at bar, from the evidence as to the character, use and suitability for use of the property, the opinion of the Zoning Commissioner and the Planning Commission, Petitioners' photographs and other evidence in the case, it is obvious that no "reasonable consideration", nor any consideration at all, was given to the character of the land and its peculiar suitability for particular uses at the time the original zoning placed the land in a residential classification. Northwest Merchants Terminal vs. O'Rourks, Supra, at Page 191.

Regarding the change in the character of the neighborhood, there was ample testimony before the Board regarding the Radio Towers, the Blectric Transformer Station, the Natural Gas Mixing and Pumping Station, the Lumber Yard, Goal Sidings and other non-residential uses that have come into being

The Protestants have made great efforts to show that the location of the plants at this spot would create a traffic hazard and there was much testimony as to the detrimental effects upon a number of private schools, the closest being about 3/4 of a mile south of this location.

Regarding a similar situation and almost identical testimony in the case of Northwest Merchants Terminal vs. O'Rourke, Supra, the Court stated at Page 192:

"But the hazard of the defendant's warknouses (added to the existing inhustrial uses both north and south of the railroad) to schools half mile away is fanciful. The most restricted residential neighborhoods are subject to the through traffic of "heavy trucks" and also to local deliveries, e.g., of oil and from retail stores."

In conclusion, the Potitioners wish to point out the fact that there presently exists a great need for suitable industrial sites in Baltimore County and a particular need Ar industry in this locality. There has been impositted to this Hoard, a petition signed by over six hundred residents of this vicinity who recognize that need and are in favor of the rezoning. It is well established that the action of this Board should be based upon

RS: PETITION FOR REGLASSIFICATION FROM AN "A"
RESIDENCE ZONE TO AN "F" INDUSTRIAL ZONE
S. C. Painters Will Road, Det. Releterations
Road & Western Maryland Reliferad, int Dist.,
James G. and Virginia J. Saffell, Feitioners

on the such side of Fainters Will Rose, between Reintersteen Rose and the search side of Fainters Will Rose, between Reintersteen Rose and the Mesters Reintersteen Rose and the Search Reintersteen Rose and Reintersteen Rose and Reintersteen Rose Reintersteen Rose Reintersteen R

The contract purchaser stated that 90% of the freight involved in the manufacturing process is handled by the Railroad, the residency 10% of the freight involved in the process of the possible industrial locations was made and that this location was found to be the most untable from the stangingth of location, transportation facilities and labor supply.

The contract purchaser also stated that in the operation of his business there is the used for water and pus as wall as the treat-tion of the contract of the contract of the contract of the contract in Coppany, stated that all of these services are available. At the present time his Coppany oplyer 100 to 150 persons and within the next three to 150 persons it is expected that the number of employees will have been approximately the contract of the contract of the generated by this process and that the noise essenting from the subliding would havely be noticeable outside of the building.

Mr. Burbour stated that it is the intention of his Company to operate on one shift only and that no objectionable lights would be burning at night. The location of the factory bullning as proceed by the puttioner, provides for a setback of 300 feet from the Peisterstown Read and 50 to 100 feet from Arinters Will Read.

Counsel for the petitioner contends that the property located as it is adjacent to the Railroad, to the Electric Transformer Station and the natural gas line of the Pressure Relief Station and bordering on the heavily iravelled Reistorstoom Road, the logical use of the property is as proposed by the petitioner.

The residents of the area protest the re-shning of this properly for industrial use giving testimony that such use would have story of the properly for industrial use giving testimony that such use would have story of this great the story of the properties. The story of the sto

its findings as to the course which will bring about the greatest good for the greatest number. This action should be taken even though there may be some few persons who may, in some manner, suffer from the result. There can he little question but that, in this case, there are decided advantages to the public through the resoning of this property. From the viewpoint of employment, increased income to the County through taxation and the creation of a demand for low and moderate cost residential real estate in the community, the advantages would be great,

Therefore, the Petitioners respectfully submit that the Orderso the Zoning Commissioner should be affirmed.

> and levet Version ATTORNAYS FOR PETITIONERS

and other than the initiatery County Flanning Commission to distinct that it is the assumented plan of the State Book Commission to construct the Book Commission to construct the Book Book Commission of the Com

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whites Mill made.

It is existent to this proposed Expressway, it is expected that within the mear future the outful mears to earse the Relaterations are said to constructed invessel this section. It is fast that the low-time of many that the construction of the saver lies, in a distinct to the construction of the saver lies, in a distinct to the construction of the saver lies, in a distinct to the construction of the foresten that the property is a distinct to the construction of the foresten that the property in question will be used for some purpose to that the agree that the construction of the property in question will be used for some purpose come other than agricultural, that is for residential persons they use a department of the theory of the property in the property of the prop

politicant is a constructive.

There is a great page for the dispersal of initiatry in the County. In solition to the desirability of dispersal from a defense stampoint, there is no setting up of light initiatrial areas to the north, northeast and northest of the City to provise injection which is not the county of the cou

Mith the increase of traffic problems in the County, it does not seem practical that a person residing in the areah hereoformentioned be required to travel to either the softer produces of the County or the distribution of the County or the distribution of the County or the distribution of the County of the C

desirable industry on the property in question to logical and reasonable. It is the plan of two property in question to logical and reasonable. It is the plan of two property in question to logical and reasonable in the plan of two property along the indirect of the property along the indirect of the contract of the property along the indirect one contract of the property along the lattered that can be property along the lattered that the present that the two plants of the property along the plants are the property along the plants are along and or a plants are as at the of relateration local will be along the plants are the plants and the plants are the plants are the plants are the plants and the plants are along the plants are alon

It is the opinion of the Zening Commissioner that the wreclassification of the remaining portion for Light Industrial wall not be detrimental to be health, a fety and general welfare of the community and the reclassification should be had.

FILED DEC 19 1952

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Res Petition for Reclassification from :
an AV Bendemen Rome on a Pr
Lindstrial Rome - S. S. Petitors
Mill Rond, 4th Dist., Bet. Reitstratown Rome and Western Maryland R.P.
Jas. O. & Virginia J. Serfell,
Petitioners

ZONING COMMISSIONER

ORDER FOR APPEAL

Mr. Zoning Compissioners

Please enter an appeal to the Board of Zoning Appeals of Baltimore County from your decision in the above entitled matter granting the reclassification from an "A" Residence Zone to an "F" Light Industrial

\$ Filed 12/1/13 \$

ZONING COMMISSIONER

ORDER FOR APPEAL

Mr. Zoning Commissioner:

Please elser an appeal to the Board of Zoning Appeals of Baltimore County from your decision in the above entitled matter granting the reclassification from an "A" Residence Zone to an "F" Light Indo

> Do & L Audsesson Attorney for: Thomas W. Offutt Benjamin S. Tonga George B.P. Ward Garrison Forrest School, Inc., et al

> > #2394

Petition for Zoning Re-Classification

The	Zoning	Commissioner	of	Baltimore	County :	_

I, or we, James G. AVirginia J. Saffell

All that percel of land in the Jed District of Baltimore County at the southersterment corner Esistersteen Road and Painters Nill Road, thence southeasterly and Hoising on the south west side of Reidestreen Road END feet, there Sight he's 550 West 122 feet, thence South ago 60 West 125.07 feet, thence south ago 60 West 125.07 feet, thence Road END feet 125 feet, the south ago 60 West 125.07 feet, the contribution of the State 125 feet 125 f

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an "A" Residence .. zone to an "S" Light Industrene Basses for Pa Classification

and height of building: front feet; depth feet; height	feet
nt and side set backs of building from street lines: frontfeet; side	feet.

Property to be posted as prescribed by Zoning Regulations I, or we, agree to pay expenses of above re-classification, advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Baltimore County adopted pursuant to the Zoning Aw for Baltimore County James Saffell Spigma Hot fell Jugal Owner

Address

ORDERED By The Zoning Commissioner of Baltimere County, this...... 5.th day of 19 52 that the subject matter of this petition be advertised, as required October by the "Zoning Law of Baltimore County," in a new spaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning mer of Baltimore County, in the Reckord Bldg., in Towson, Baltimore County, on the. 10th day of November 19.52, sill 1920 clock As M.

Zoning Commissioner of Baltimore County

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It is this // day of Recember, 1952, ORREGE by the Rocking Commissioner of Saltimore County, that the shows esserthed property or area should be reclassified with the enter the Reitheres Four to may be applied to the content of the county o

unified being many memorial access, one part 40 miles in a particularly described as foliated:

Segfond for the some at the legislating of the last particularly described as foliated in the particular of the property described in the particular and running themeo and binding in part in a fine part of the particular o

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF RALTIMORE COUNTY

#2398

Patrict in Can II. Revolved Jane to an F " Light Industrial good.

Petitioner Jennes & + Vergina 3 Soffell
Location of property S. W. Carner Described to Lander Milled.

Location of sinus sees in Sure See Plat

Location at Signs Delagor S. W. loc. Questienter or I bioches Milled, constitut 300 ft, constanting of Sex I handed myst from frest tenny of constant 250 ft, constant 50 ft on the W.S. of Residentian Al Sandy France may H.

Posted by Glarge R. Hum

October 23, 1952

MCMIVAD OF Michael Paul Smith, Attorney for James G. Saffell, et al, petitioners, the sum of Thirty Four (314.00) Dollars being cost of petition for reclassification, advertising and posting property, southwest corner of Belsterstvan and Painters Mill Roads, hth District.

Zoning Commissioner

Searing : Monday, Nov. 10, 1952 at 11:00 a.m. basement of Reckord Building Towson Md.



December 30, 1952

EXCEIVED of James C. L. Anders. , Attorney for Protestants, the sum of Twenty Two (\$22.00) Dollars, being cost of appeal to the Board of Loming Appeals of Baltimore County from the decision of the Zoning Commissioner rendered in the matter of petition for reclassification of property of James G. Saffell, et al, south side of Painters Mill Road, 4th District.

Zoning Commissioner



NO PLAT IN THIS FOLDER